

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**DELVONTE E. HARRIS,**

**Plaintiff,**

v.

**Civil Action No. 3:23cv599**

**UNKNOWN,**

**Defendant.**

**MEMORANDUM OPINION**

Plaintiff, a federal inmate proceeding *pro se*, submitted this action. In order to state a viable claim under *Bivens*,<sup>1</sup> a plaintiff must allege that a person acting under color of federal authority deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Williams v. Burgess*, No. 3:09cv115 (REP), 2010 WL 1957105, at \*2 (E.D. Va. May 13, 2010) (citing *Goldstein v. Moatz*, 364 F.3d 205, 210 n.8 (4th Cir. 2004)). Courts must liberally construe *pro se* civil rights complaints in order to address constitutional deprivations. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Nevertheless, “[p]rinciples requiring generous construction of *pro se* complaints are not . . . without limits.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985). Plaintiff’s current allegations fail to provide the particular constitutional right that was violated by the defendants’ conduct and also fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

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<sup>1</sup> *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

Accordingly, by Memorandum Order entered on February 14, 2024, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the February 14, 2024 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the February 14, 2024 Memorandum Order.<sup>2</sup> Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 3/20/2024  
Richmond, Virginia

  
S/  
M. Hannah Landk  
United States District Judge

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<sup>2</sup> On February 20, 2024, the Court received a letter from Plaintiff that was executed on February 8, 2024, prior to the entry of the February 14, 2024 Memorandum Order. (ECF No. 15.) The letter does not respond to, or address, the directives set forth in the February 14, 2024 Memorandum Order.